

REMARKS

Revocation of Power of Attorney

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming Bruce H. Troxell as attorney of record in this patent application. It is requested that all further correspondence regarding this matter be forwarded to Troxell Law Office PLLC at the address listed on the enclosed form. A CHANGE OF ADDRESS FORM is also being submitted herewith.

Claim Rejections

Claims 12-20 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-13 and 15-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu et al. in view of Yiu '686. Claims 14 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to claims 13 and 19 and further in view of Brejcha.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

New Claims

By this Amendment, Applicant has canceled claims 1-20 and has added new claims 21-35 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a dart board comprising: a backing board (70) having a plurality of switches (40); a plurality of target blocks (50) located on a front of the backing board, each target block of the plurality of target blocks having: a plurality of posts (51), each post of the plurality of posts having a

Application No. 10/635,346

plurality of elongated grooves (512) on an outer periphery thereof; a plurality of dart holes (52), each dart hole of the plurality of dart holes having a predetermined number of the plurality of posts located around an outer periphery thereof; and a plurality of protrusions (55) selectively engaging the plurality of switches, the plurality of posts and the plurality of protrusions protruding outwardly from opposing sides of the target block; a zero point area (20) surrounding the plurality of target blocks; and a plurality of ridges (30) separating the target blocks.

Other embodiments of the present invention include: each post of the plurality of posts having a plurality of recesses, one recess of the plurality of recesses (511) aligning with a portion of the outer periphery of each dart hole of the plurality of dart holes; the plurality of protrusions of each target block of the plurality of target blocks defining side walls thereof; a plurality of connection plates, one of the plurality of connection plates is located between two adjacent posts of the plurality of posts; a plurality of a receiving members (50A), each of the plurality of receiving members having a plurality of receiving holes (50A1), one of the plurality of receiving holes aligning with each of the plurality of dart holes; one of the plurality of receiving members is located in a chamber (500) of each target block of the plurality of target blocks; each of the plurality of receiving members having a plurality of protrusions (55A) selectively engaging the plurality of switches of the backing board; a plurality of a supporting members (50B), one of the plurality of supporting members is located between each target block of the plurality of target blocks and the plurality of switches; each target block of the plurality of target blocks having at least one insertion (513) connecting each target block to one receiving member of the plurality of receiving members and one supporting member of the plurality of supporting members; each supporting member of the plurality of a supporting members having a plurality of protrusions (50B2) selectively engaging the plurality of switches of the backing board; and each of the plurality of posts are made of a flexible material.

The primary reference to Lu et al. teaches a central score board structure having a secondary score block (1) having a central hole (11) with a baffle ring (12), a plurality of holes (13), and an indentation (15) on an outer periphery; a

Application No. 10/635,346

resilient member (3); and a primary score block (2) located in the central hole of the secondary score block and having a plurality of dart holes (21).

The urge posts (14, 22, 22') disclosed in Lu et al. are provided on an inner wall, instead of on the outer surface. In addition, a resilient element (3) is provided to support each of the urge posts (14, 22, 22'), enabling the automatically and smoothly reset effects (please refer to lines 32-34 on Page 1 and lines 15-16 on Page 4 of Lu et al.). Nevertheless, the flexible posts 51 in the present invention define the space 521 formed on the outer surface, enabling a dart tip to be guided and successfully inserted into the dart hole 52. In conclusion, the flexible posts 51 and the space 521 disclosed in the present invention possess the function and technology differ from any prior art.

The urge posts (14, 22, 22') disclosed in Lu et al. are arranged farther away from the upper and lower circuit boards (5, 6) for a dart tip to contact a specific circuit of an upper circuit board (5) and a lower circuit board (6) with a partition (7) sandwiched therebetween, so as to achieve the effects of score display and score accumulation (please refer to lines 19-28 on Page 3 of Lu et al.). However, what is disclosed in the present invention is totally different from the design of the urge posts (14, 22, 22') disclosed in Lu et al. The flexible posts (51) disclosed in the present invention possess the effects of enabling a dart tip to be guided to pass and insert into the dart hole (52). Whereas the urge posts (14, 22, 22') disclosed in Lu et al. do not have the identical function of guiding a dart tip into a dart hole, in addition, the dart does not pass through the urge posts (14, 22, 22').

Lu et al. do not teach each target block of the plurality of target blocks having a plurality of posts; each post of the plurality of posts having a plurality of elongated grooves on an outer periphery thereof; each post of the plurality of posts having a plurality of recesses, one recess of the plurality of recesses aligning with a portion of the outer periphery of each dart hole of the plurality of dart holes; a plurality of receiving members, each of the plurality of receiving members having a plurality of receiving holes, one of the plurality of receiving holes aligning with each of the plurality of dart holes; one of the plurality of receiving members is located in a chamber of each target block of the plurality of

target blocks; each of the plurality of receiving members having a plurality of protrusions selectively engaging the plurality of switches of the backing board; each target block of the plurality of target blocks having at least one insertion connecting each target block to one receiving member of the plurality of receiving members and one supporting member of the plurality of supporting members; nor do Lu et al. teach each supporting member of the plurality of supporting members having a plurality of protrusions selectively engaging the plurality of switches of the backing board.

The secondary reference to Yiu teaches a target board having a plurality of cones (3), wherein two adjacent cones are connected by a guide member (4). Each guide member (4) has two inclined side surfaces (41) connected to the two adjacent cones.

In Yiu, two adjacent cones (3) each includes two inclined side surfaces (41) (please refer to lines 28-32 on Page 2 in Yiu). It is obvious that the cones (3) disclosed in Yiu are immovable without a flexible swing function and the inclined side surfaces (41) are defined to enable a stronger connection between two adjacent cones (3), so that the cones (3) disclosed in Yiu are unable to flexibly guide dart tips to insert into the dart hole. However, the flexible posts (51) disclosed in the present invention enable flexibly swing and define flexible space which guides the dart tip to slide into the dart hole. Moreover, there is no description in Yiu showing that the cones (3) are able to guide dart tips into the opening (31) (dart holes). Therefore, it is known that the opening (31) disclosed in Yiu and the flexible posts (51) disclosed in the present invention are different in the technique.

It is clearly described in Yiu that three or more cones (3) are engaged with each other so as to define an opening (31) therein; namely, the opening (31) is formed by four inwardly curved sides (30); i.e., formed by the curved bottom peripheral portions (30) of the cones (3). Therefore, said opening (31) (dart hole) is formed by four inclined side surfaces (41) (please refer to lines 15-17 and lines 19-22 on Page 2 and FIG. 3 in Yiu). It is obvious that the flexible posts 51 and the dart holes 52 disclosed in the present invention are different from said cones 3 disclosed in Yiu.

In addition, it is described in Yiu that a number of guide members (4) are provided between every two adjacent cones (3) and each includes a cusp (40) formed in the top and two inclined side surfaces (41) for smoothly guiding the dart tip into the openings (31). It is disclosed in the present invention that the dart (60) is guided by the flexible posts (51) and the flexible spaces (521), so as to insert in the dart hole (52). Such a manner is totally different from what is disclosed in Yiu. Furthermore, the flexible spaces (521) disclosed in the present invention are defined by said flexible posts (51) to guide the darts to slide into the dart holes (52) smoothly, in addition, said flexible posts (51) clamp the dart tips in the spaces (521), so as to insert the dart in the dart hole (52).

Furthermore, the guide members (4) without the elasticity disclosed in Yiu and only include two inclined side surfaces (41), therefore, a dart easily lapses from the dart hole and falls on the ground, when hitting the inclined side surfaces (41) without any flexible oscillation; even worse, the dart tip may be damaged when it hits the inclined side surfaces (41).

Yiu does not teach each post of the plurality of posts having a plurality of elongated grooves on an outer periphery thereof; each post of the plurality of posts having a plurality of recesses, one recess of the plurality of recesses aligning with a portion of the outer periphery of each dart hole of the plurality of dart holes; a plurality of a receiving members, each of the plurality of receiving members having a plurality of receiving holes, one of the plurality of receiving holes aligning with each of the plurality of dart holes; one of the plurality of receiving members is located in a chamber of each target block of the plurality of target blocks; each of the plurality of receiving members having a plurality of protrusions selectively engaging the plurality of switches of the backing board; each target block of the plurality of target blocks having at least one insertion connecting each target block to one receiving member of the plurality of receiving members and one supporting member of the plurality of supporting members; nor does Yiu teach each supporting member of the plurality of a supporting members having a plurality of protrusions selectively engaging the plurality of switches of the backing board.

The secondary reference to Brejcha teaches a target construction having a

Application No. 10/635,346

plurality of pie shaped segments (16) having end walls (20, 21) and an outer face member (22). The outer face member having a plurality of cylindrical openings (25) with a tapered opening (26).

It is described in Brejcha, each of the protrusions 37 has a projection 38 which toward the outside formed project from the side walls 17, 32. And, the protrusions 37 are staggered which has the effect of minimizing any tendency on the part of the insert to rock left to right or light to left when it is struck by a dart (please refer to lines 39-42 on Page 4 in Brejcha).

Therefore, the protrusions 37 and the projection 38 are different from the protrusions 55 on the back of the target block 50 in the present invention.

Moreover, due to the protrusions 37 and the projection 38 toward the outside formed so that they are hard to mass produce.

Brejcha does not teach each target block of the plurality of target blocks having a plurality of posts; each post of the plurality of posts having a plurality of elongated grooves on an outer periphery thereof; each post of the plurality of posts having a plurality of recesses, one recess of the plurality of recesses aligning with a portion of the outer periphery of each dart hole of the plurality of dart holes; a plurality of receiving members, each of the plurality of receiving members having a plurality of receiving holes, one of the plurality of receiving holes aligning with each of the plurality of dart holes; one of the plurality of receiving members is located in a chamber of each target block of the plurality of target blocks; each of the plurality of receiving members having a plurality of protrusions selectively engaging the plurality of switches of the backing board; each target block of the plurality of target blocks having at least one insertion connecting each target block to one receiving member of the plurality of receiving members and one supporting member of the plurality of supporting members; nor does Brejcha teach each supporting member of the plurality of supporting members having a plurality of protrusions selectively engaging the plurality of switches of the backing board.

Even if the teachings of Lu et al., Yiu, and Brejcha were combined, as suggested by the Examiner, the resultant combination does not suggest: each post of the plurality of posts having a plurality of elongated grooves on an outer

Application No. 10/635,346

periphery thereof; each post of the plurality of posts having a plurality of recesses, one recess of the plurality of recesses aligning with a portion of the outer periphery of each dart hole of the plurality of dart holes; a plurality of receiving members, each of the plurality of receiving members having a plurality of receiving holes, one of the plurality of receiving holes aligning with each of the plurality of dart holes; one of the plurality of receiving members is located in a chamber of each target block of the plurality of target blocks; each of the plurality of receiving members having a plurality of protrusions selectively engaging the plurality of switches of the backing board; each target block of the plurality of target blocks having at least one insertion connecting each target block to one receiving member of the plurality of receiving members and one supporting member of the plurality of supporting members; nor does the combination suggest each supporting member of the plurality of supporting members having a plurality of protrusions selectively engaging the plurality of switches of the backing board.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of

Application No. 10/635,346

the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Lu et al., Yiu, or Brejcha that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Lu et al., Yiu, nor Brejcha disclose, or suggest a modification of

Application No. 10/635,346

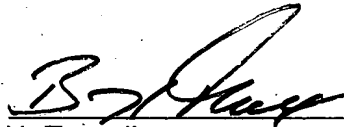
their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: December 27, 2005

By: 
Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707